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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,017	04/23/2001	Ranjit Sahota	004572.P001	5826

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EXAMINER	
RIES, LAURIE ANNE	
ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,017	SAHOTA ET AL.	
	Examiner	Art Unit	
	Laurie Ries	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 59-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 59-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed 28 November 2006, to the Original Application, filed 23 April 2001.

2. The objection to claim 1 has been withdrawn as necessitated by amendment.

3. Claims 1-2, 4, 6-7, and 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications").

4. Claims 3 and 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Lonnroth (U.S. Patent 6,826,597 B1).

5. Claims 5 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

6. Claims 59-61 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Lee (U.S. Publication 2001/0054031 A1).

7. Claims 1-10 and 59-61 are pending. Claims 11-58 and 62-66 have been cancelled. Claims 1, 6, and 59 are independent claims.

Response to Arguments

8. Applicant's arguments filed 28 November 2006 have been fully considered but they are not persuasive.

Applicant argues that Whitledge in combination with Spyglass Prism fails to teach capture templates. The Office respectfully disagrees. The Instant Specification describes capture templates as being platform neutral and allowing content to be portable on or more different types of platforms (See Instant Specification, #####). Whitledge teaches a DOM_TEMPLATE which is used to capture content from various hypertext documents using a DOM_IMPORT operation (See Whitledge, Column 26, lines 22-34). Whitledge further teaches that the created template is used to capture content (See Whitledge, Column 31, lines 29-41 and Table 23). Whitledge further teaches that the captured content is converted into a format that is platform-independent (See Whitledge, Abstract).

Applicant argues that Whitledge in combination with Lee fails to teach harvesting content and media assets based on acquisition rules stored in a repository. The Office respectfully disagrees. Whitledge teaches converting harvested content based upon conversion rules stored in a repository (See Whitledge, Column 6, lines 35-38). While Whitledge does not teach expressly acquisition rules stored in a repository, Lee teaches storing acquisition rules in a rules base, said acquisition rules used to capture content in the form of text strings from email messages (See Lee, Page 1, paragraph 0002 and Page 3, paragraph 0049). Whitledge and Lee are analogous art because they are from the same field of endeavor of gathering electronic data. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the acquisition of content based on stored acquisition rules of Lee with the data harvesting method of Whitledge. The motivation for doing so would have been to determine the validity of data to be input and thus reduce data conversion errors. Therefore, it would have been obvious to combine Lee with Whitledge for the benefit of determining the validity of data to be input and thus reduce data conversion errors to obtain the invention as specified in claim 59. In response to applicant's argument that Whitledge fails to teach acquiring content by means of acquisition rules, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications").

As per independent claims 1 and 6, Whitledge discloses a syndication method and system including a server (See Whitledge, Figure 1).

Whitledge also discloses creating capture templates to harvest content from disparate content sources on multiple platforms (See Whitledge, Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29).

Whitledge also discloses extracting data from the disparate content sources using the created capture templates to control the extraction process (See Whitledge, Column 26, lines 25-31, and Figure 9, element 170).

Whitledge also discloses generating a standardized document from the extraction process and incoming content sources (See Whitledge, Figure 11, and Column 25, lines 26-50).

Whitledge also discloses providing the standardized document for optimized display on one or more different types of platforms (See Whitledge, Column 4, lines 65-67, Column 5, lines 1-17, and Column 8, lines 37-43).

Whitledge does not disclose expressly that the document is a data stream. Spyglass Prism discloses an HTML traffic report represented in real time, which is, therefore, a streaming document (See Spyglass Prism, Page 7).

Whitledge and Spyglass Prism are analogous art because they are from the same field of endeavor of representing hypertext data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the streaming document of Spyglass Prism with the data harvesting system and method of Whitledge. The motivation for doing so would have been to provide a representation of data in real time as needed, such as for applications involving current traffic conditions (See Spyglass Prism, Page 7). Therefore, it would have been obvious to combine Spyglass Prism with Whitledge for the benefit of providing a representation of data in real time as needed to obtain the invention as specified in claims 1 and 6.

As per dependent claims 2 and 7, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge also discloses that he content includes HTML content or XML content (See Whitledge, Column 6, lines 3-14).

As per dependent claims 4 and 9, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge also discloses providing the standardized data stream on personal computer display or an electronic portable

device display and generating content and code optimized, personalized for a specific platform, network environment or local market (See Whitledge, Column 8, lines 37-46).

10. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") as applied to claims 1 and 6 above, and further in view of Lonnroth (U.S. Patent 6,826,597 B1).

As per dependent claims 3 and 8, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge also discloses that the capture templates are to provide an ability to insert new media types and content optimized for a particular platform (See Whitledge, Column 24, lines 41-67, and Column 25, lines 1-2). Whitledge and Spyglass Prism do not disclose expressly creating one or more XML files or documents to define rules, logic, and content extraction parameters. Lonnroth discloses that the creating of the capture templates includes creating one or more XML files or documents to define rules, logic, and content extraction parameters (See Lonnroth, Column 2, lines 35-51, Column 3, lines 23-31, and Column 9, lines 39-49). Whitledge, Spyglass Prism, and Lonnroth are analogous art because they are from the same field of endeavor of using templates to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the creation of XML files to define rules, logic and content extraction parameters of Lonnroth with the method of harvesting data of Whitledge and Spyglass Prism. The

motivation for doing so would have been to allow clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonnroth, Column 3, lines 14-16). Therefore, it would have been obvious to combine Lonnroth with Whitledge and Spyglass Prism for the benefit of to allowing clients to retrieve data from data sources that do not necessarily support the same protocols to obtain the invention as specified in claims 3 and 8.

11. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") as applied to claims 1 and 6 above, and further in view of Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

As per dependent claims 5 and 10, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge and Spyglass Prism do not disclose expressly caching the data stream, templates or content. Arens discloses caching data or information (See Arens, Abstract). Whitledge and Arens are analogous art because they are from the same field of endeavor of storing and accessing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the caching of data of Arens with the data stream, templates and content of Whitledge and Spyglass Prism. The motivation for doing so would have been to reduce the cost of retrieving data (See Arens, Abstract). Therefore,

it would have been obvious to combine Arens with Whitledge and Spyglass Prism for the benefit of reducing the cost of retrieving data to obtain the invention as specified in claims 5 and 10.

12. Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Lee (U.S. Publication 2001/0054031 A1).

As per independent claim 59, Whitledge discloses a method for harvesting content including harvesting content from disparate content sources by accessing content and media assets from a web site on the Internet network based on conversion rules stored in a repository (See Whitledge, Figure 3, Figure 4A, Column 11, lines 58-67, Column 13,lines 45-59, and Table 3).

Whitledge also discloses converting the harvested content based on conversion rules stored in the repository (See Whitledge, Column 6, lines 35-38).
Whitledge does not disclose expressly acquisition rules stored in a repository. Lee discloses acquisition rules stored in a rules base (See Lee, Page 3, paragraph 0049).

Whitledge and Lee are analogous art because they are from the same field of endeavor of gathering electronic data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the stored acquisition rules of Lee with the data harvesting method of Whitledge. The motivation for doing so would have been to determine the validity of

data to be input and thus reduce data conversion errors. Therefore, it would have been obvious to combine Lee with Whitledge for the benefit of determining the validity of data to be input and thus reduce data conversion errors to obtain the invention as specified in claim 59.

As per dependent claim 60, Whitledge discloses the limitations of claim 59 as described above. Whitledge also discloses navigating the web site to locate and access the content and media assets using a web browser, which does not change existing content on a web site (See Whitledge, Figures 10 and 11, Column 25, lines 10-37, and Column 1, lines 62-65).

As per dependent claim 61, Whitledge and Lee disclose the limitations of claim 59 as described above. Whitledge also discloses accessing the content and media assets using an Internet protocol (See Whitledge, Column 2, lines 4-24).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER